

1 On September 14, 2006, the government applied for a writ of garnishment as to
2 Whataburger Restaurants of Arizona, Inc., pursuant to 28 U.S.C. § 3205. The Clerk issued
3 the writ, and on September 19, 2006, the government served the writ on the garnishee. *See*
4 28 U.S.C. § 3205(c)(3).

5 On September 21, 2006, the government served the defendant with a copy of the writ,
6 the Clerk's notice to the judgment debtor, and instructions for requesting a hearing on any
7 objections. *See* 28 U.S.C. § 3205(c)(3)(B).

8 The garnishee answered the writ on September 25, 2006, and served a copy on the
9 defendant. The garnishee has in its possession non-exempt earnings belonging to the
10 defendant.

11 The statutory 20-day period to file objections has passed. *See* 28 U.S.C. § 3205(c)(5).
12 The defendant has not requested a hearing on the garnishment. The procedural requirements
13 described at 28 U.S.C. § 3205 have been fulfilled.

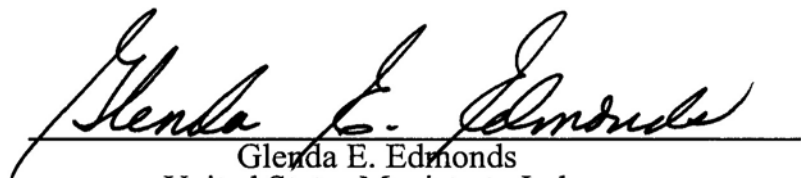
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15 Recommendation

16 The Magistrate Judge recommends the District Court, after its independent review of
17 the record, GRANT the motion for entry of a garnishment disposition order filed by the
18 government on October 19, 2006. [doc. # 15]

19 Pursuant to 28 U.S.C. §636 (b), any party may serve and file written objections within
20 10 days of being served with a copy of this report and recommendation. If objections are
21 not timely filed, the party's right to de novo review may be waived. *See United States v.*
22 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.2003) (en banc).

23 The Clerk is directed to send a copy of this report and recommendation to all parties.

24 DATED this 1st day of November, 2006.

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27 
28 Glenda E. Edmonds
United States Magistrate Judge